

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 27844 of 2006(M)

PETITIONERS:

**C. CHUPPAYAN, MANAGER,
K.K.M.HIGHER SECONDARY SCHOOL,
VANDITHAVALAM, RESIDING AT VALLIYACHALLA,
GOVINDAPURAM P.O., MUTHALAMADA,
PALAKKAD DISTRICT.**

BY ADV. SRI.K.T.SHYAMKUMAR.

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, GENERAL EDUCATION DEPARTMENT
GOVT.OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD.**
- 4. K.N. KALYANAKRISHNAN, AISHWARYA,
GANPATH HIGH SCHOOL ROAD, CHALAPPURAM,
KOZHIKODE.**
- 5. S. RAJALAKSHMI, W/O.K.N.KALYANA KRISHNAN,
AISHWARYA, GANPATH HIGH SCHOOL ROAD,
CHALAPPURAM, KOZHIKODE.**
- 6. RAJALAKSHMI RAMACHANRAN
'GOKUL', TEMPLE ROAD, PERUMBAVOOR.**

W.P.(C). NO.27844/2006:

**7. RADHAMANI VENKITESWARAN,
NO.18, 226-227, LAKSHMAN NIVAS,
SION EAST, MUMBAI.**

**8. INDIRA KALYANAKRISHNAN,
DOOR NO.35, SANYASI GRAMAM,
TIRUNELVELI JN., TIRUNELVELI,
TAMIL NADU-527 001.**

**9. O.V. USMAN KURIKKAL, ADVOCATE,
KURIKKAL HOUSE, MANJERI COLLEGE P.O.,
MANJERI, MALAPPURAM.**

***ADDL.R10. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.**

***ADDL.R.10 IMPEADED AS PER THE ORDER DTD. 22/02/2007
IN I.A. NO. 2791/2007.**

**BY ADV. SRI.B.KRISHNA MANI
SRI.SHIRAZ ABDULLA
SRI.IMTHIAZ AHAMED
SRI.K.M.SATHYANATHA MENON
GOVT. PLEADER SMT. M.B. SREELATHA.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.27844/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER DTD. 21/02/1939 OF THE DIRECTOR.

EXT.P.2: COPY OF THE SALE DEED NO. 823/1969 OF CHITTUR SRO.

EXT.P.3: COPY OF THE REGISTERED WILL DTD. 23/03/1985 EXECUTED BY MADHAVAN NAIR.

EXT.P.4: COPY OF THE DECREE IN O.S. NO. 373/1981 OF THE SUB COURT, PALAKKAD.

EXT.P.5: COPY OF THE ORDER DTD. 05/08/1997 ISSUED BY SRI. T. UNNIKRIISHNAN, THE EDUCATIONAL AGENCY OF THE SCHOOL APPOINTING THE PETITIONER AS MANAGER OF THE SCHOOL.

EXT.P.6: COPY OF THE COVERING LETTER DTD. 05/08/1997 SENT BY SRI.T.UNNIKRIISHNAN TO THE DISTRICT EDUCATIONAL OFFICER.

EXT.P.7: COPY OF THE ORDER DTD. 30/10/2002 ISSUED BY THE SUB COURT, PALAKKAD ALLOWING THE PLAINTIFF IN O.S. NO. 234/1997 TO WITHDRAW THE SUIT.

EXT.P.8: COPY OF THE INTERIM ORDER AND JUDGMENT IN W.P.(C). NO. 11974/2006.

EXT.P.9: COPY OF THE ORDER DTD. 20/06/2006 ISSUED BY THE R.3.

EXT.P.10: COPY OF THE JUDGMENT DTD. 10/08/2006 IN W.P.(C). NO. 17253/2006.

EXT.P.11: COPY OF THE ORDER DTD. 14/08/2006 IN I.A. NO. 1170/2006 IN O.S. NO. 273/2006.

EXT.P.12: COPY OF THE REPRESENTATION DTD. 29/08/2006 FILED BY THE PETITIONER BEFORE THE R.2.

EXT.P.13: COPY OF THE ORDER DTD. 22/09/2006 ISSUED BY THE R.2.

EXT.P.14: COPY OF THE JUDGMENT DTD. 28/09/2005 IN O.P. NO. 19557/1996.

W.P.(C). NO.27844/2006:

EXT.P.15: COPY OF THE REPRESENTATION DTD. 17/02/2007 SUBMITTED BY THE PETITIONER BEFORE THE GOVERNMENT.

EXT.P.16: COPY OF THE NOTICE OF HEARING DTD. 05/03/2007 ISSUED BY THE GOVERNMENT.

//TRUE COPY//

prv.

K. M. JOSEPH, J.

W.P.C. NO. 27844 OF 2006 M

Dated this the 13th March, 2007

JUDGMENT

Petitioner challenges Ext.P13. It is an order passed by the Additional Director of Public Instruction. Against the same, the 9th respondent has preferred a Revision Petition purporting to be under Rule 5 Chapter III KER. In such circumstances, I feel that the petitioner should be permitted to raise all contentions available to him in law before the Government in the statutory Revision. It is also open to the petitioner to rely on Judgments of the civil Courts in the matter. It is for the Government to decide the matter in accordance with law. Accordingly, the Writ Petition is disposed of relegating the petitioner to pursue the matter before the Government in the Revision. Counsel for petitioner submits that the petitioner may also file a Revision Petition. It is submitted that the hearing of the Revision Petition filed by ninth respondent is to take place on 15.3.2007. In view of the submission made by counsel for petitioner that

the petitioner will file a Revision Petition, it is ordered that the hearing of the Revision filed by ninth respondent shall stand adjourned by a period of two weeks from 15.3.2007 and if the petitioner files a Revision Petition against Ext.P13 within a period of two weeks from today, the first respondent will look into the Revision Petition filed by petitioner also and take a decision in accordance with law. It is submitted by all the counsel appearing, that the parties concerned are represented by counsel before this Court. They would all submit that a date may be fixed for hearing of the Revision Petitions. In view of the submission made by counsel for petitioner that the petitioner will file a Revision Petition within two weeks from today, the parties concerned will appear before first respondent at 11 A.M. on 30.3.2007 and the first respondent shall proceed to consider the matter and take a decision in accordance with law, without any further delay.

K. M. JOSEPH, JUDGE

kbk.